

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CARBONITE, INC.,

Plaintiff,

v.

DEEPAK MOHAN,

Defendant.

Civil Action No. 18-12331-MLW

CONSENT TEMPORARY RESTRAINING ORDER

Upon the agreement of the parties, the Court, in accordance with Fed. R. Civ. P. 65(b), orders as follows:

1. Deepak Mohan consents to be and is hereby enjoined from performing any work for or providing any services to Veritas until February 28, 2019; provided, however, that this Order shall not prevent Mr. Mohan from receiving compensation and benefits from Veritas, as long as he does not perform any work for or provide any services to Veritas. The Court hereby sets an in-person status conference for February ___, 2019 at ___ a.m./p.m. for the purpose of determining whether, in light of the procedural posture of the case at that time, the requirements of this Paragraph 1 should be extended beyond February 28, 2019.

2. Deepak Mohan consents to be and is hereby enjoined from using or disclosing Carbonite's trade secrets and other confidential information, including, without limitation, Carbonite's strategic roadmap and proprietary business plans to onboard new enterprise customers, information concerning potential, planned, or rejected merger and acquisition opportunities, merger and acquisition strategy, product strategy and pipeline, cost structuring, prior, current, and/or contemplated products and services,

know-how, techniques, computer software designs, and hardware configurations, training materials, non-public policies and procedures, research, sales information and data, pricing, financial models, business plans, corporate strategy, non-public financial and business forecasts and estimates, account valuation and information about costs and profits, and information about current and/or prospective customers or markets of Carbonite.

3. Deepak Mohan consents to be and is hereby ordered to return to Carbonite (through counsel) within three (3) business days from the entry of this Order, all of Carbonite's property, information, and materials in his possession, custody, or control, including any USB or other external storage devices onto which such information or materials were placed at any time. This requirement includes all records or documents in any form, created by Mr. Mohan or anyone acting in concert with him, that contain Carbonite information, that serve to transmit Carbonite information that was received or removed from Carbonite and that are based on or include, in whole or in part, documents or information that was received or removed from Carbonite. Notwithstanding anything herein to the contrary, however, Mr. Mohan shall not be required to return to Carbonite any documents that relate specifically to his employment with Carbonite, such as employment agreements, offer letters, pay stubs, and tax documents.

4. To the extent that Mr. Mohan returns any USB or other external storage devices to Carbonite pursuant to Paragraph 3 above, Carbonite shall provide a forensically sound copy of all such devices to Mr. Mohan's counsel, on an attorneys' eyes only basis, and at Mr. Mohan's expense, within five business days after it obtains or receives its own working copy of such devices.

5. Deepak Mohan consents to be and is hereby ordered to file, within seven (7) days from the entry of this Order, an affidavit (a) attesting that he has returned to Carbonite all of Carbonite's property, materials, and information subject to this Court's Order and (b) identifying all persons and entities outside of Carbonite to which he transferred any Carbonite confidential information or trade secrets since May 1, 2018.

SIGNED this ____ day of _____, 2018,

HONORABLE MARK L. WOLF
United States District Court Judge

Consented to by:

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CERTIFICATE OF SERVICE

I hereby certify that this document has been filed through the CM/ECF system on December 4, 2018, and will be served electronically to the registered participants as identified on the Notice of Electronic Filing through the Court's transmission facilities, and that non-registered participants have been served this day by mail.

/s/ Stephen D. Riden

Stephen D. Riden